

January 16, 1967

The regular meeting of the Planning Commission was called to order by Chairman Perry in the Council Chamber at 8:00 p.m. on January 16, 1967.

1. Roll Call

Commissioners present: Anderson, Creighton, Gue, Moore, West, Perry  
Commissioners absent: Heinecke

2. Approval of Minutes of December 19, 1966

Commissioner Creighton moved approval of the minutes as written, seconded by Commissioner Gue, unanimously approved.

3. Election of Chairman and Vice Chairman for 1967

Commissioner West nominated Commissioner Perry for the office of Chairman, seconded by Commissioner Anderson; there being no further nominations, a roll call vote was taken and Commissioner Perry was unanimously reelected Chairman for 1967.

Commissioner Creighton nominated Commissioner West as Vice Chairman, seconded by Commissioner Anderson; there being no further nominations, a roll call vote was taken and Commissioner West was unanimously reelected as Vice Chairman for 1967.

4. Old Business

A. Subdivisions

- (1) S-72 Letter from Martha Bruckner agreeing to stipulations of the Planning Commission relative request for a three-lot subdivision located on Camino de Herrera

Mr. Leitzell said Mrs. Bruckner teaches a class on Monday night, and would not be present; however, she had requested, by letter, that the Planning Commission reconsider her application for subdivision in light of the fact that she would agree to the stipulations set forth by the Planning Commission at the time they last considered the application.

Commissioner Perry said he felt there was nothing before the Planning Commission; the application had been considered at the previous meeting and was denied; therefore, the request should have been directed to the City Council, or another subdivision application should have been submitted. He also said he felt the application for subdivision failed on the merits of the subdivision rather than the presentation. The other Commissioners agreed this was so.

Commissioner Anderson moved that regarding the petition from Mrs. Bruckner to reconsider S-72, application for a three-lot subdivision on Camino de Herrera, the Planning Commission reaffirm the previous action and recommend that 10 days from this date be granted for an appeal to the City Council. Motion seconded by Commissioner Gue. Commissioner West moved to amend the motion to read that Mrs. Bruckner be advised as a second alternative that she can submit a new map; amendment accepted by Commissioner Anderson and Commissioner Gue, unanimously approved. The secretary was directed to inform Mrs. Bruckner of the decision.

5. New Business

A. Use Permits

- (1) U-118 Gerald Curtis. Application for a Use Permit to allow continued use of an existing non-conforming duplex in an R-1 District, located at 32 Humboldt Avenue

Mr. Leitzell said in order for the Planning Commission to issue a Certificate of Use for a non-conforming duplex in an R-1 district it would be necessary for the applicant to give evidence that the non-conforming use existed prior to May 23, 1939, and had not been abandoned for a period of six months or more subsequently.

Mr. Curtis stated there is a 3 bedroom dwelling upstairs and a 2 bedroom dwelling downstairs, ample parking is provided at the rear of the building, there being at least space for five cars. Mr. and Mrs. Curtis both stated they purchased the building in 1943 with the understanding that the apartment had been in use, and that it was a duplex building. They said they had discussed the situation with neighbors and had received no objections.

Commissioner Anderson moved that this matter be continued until the next Planning Commission meeting, the object and intent of this extension being that the applicant will attempt to produce some real evidence that this duplex was in existence prior to May 23, 1939. Motion seconded by Commissioner West. Commissioner Moore asked what alternatives would be available to the applicant if his request were denied. Chairman Perry said they could still continue the use, but they would not be doing so with the assurance from the Planning Commission that it was lawful. The only other thing they could do would be to make application for a rezoning. The motion was then unanimously approved. Commissioner Anderson asked the Planning Director to bring the building permit history on this property.

- (2) U-119 Peter Guasco. Application for a Use Permit for outdoor display of merchandise in front of San Anselmo Supermarket, 100 Center Boulevard.

Mr. Guasco had presented drawings of the bins he proposed to store charcoal and presto logs in. A survey shows five feet of sidewalk belonging to the market. Commissioner Creighton stated he is very much opposed to the outdoor display of any merchandise on the sidewalk in front of stores; he feels it is not fitting to the community to have the sidewalks cluttered with anything for sale. Commissioner Gue said he agreed, and in issuing the Use Permit to Safeway Stores, there was a different situation in that they were issued a permit to display flowers only, and the fact that the sidewalk in front of the Safeway Store was 25 feet in width. Commissioner West agreed, and also stated that the Hardware Store in the Red Hill Shopping Center was an entirely different situation, the area being fenced and a patio type of extension of the store itself.

Commissioner Moore moved that U-119, Peter Guasco, application for a Use Permit for outdoor display of merchandise in front of San Anselmo Supermarket, 100 Center Blvd. be denied for the reasons that:

1. It creates an obstruction to pedestrian traffic on the sidewalk.
2. That it does not create the aesthetic framework that we desire in San Anselmo.

Motion seconded by Commissioner West, unanimously approved. The applicant was informed of the right of appeal to the City Council.

#### B. Variance Requests

- (1) Adj. 365, Robert Hubbard. Application for a 4 foot setback on one corner and an 11 foot setback on the other corner of a proposed carport at 39 Alderney Road

The Engineer said there would be a new dwelling on the property. The access to the carport would be retained earth. There is a 30% drop into the property, and the Engineer stated that he didn't feel it would be practical to use a natural ramp. Commissioner West said he felt the house at the end of the street had a similar problem for which they have worked out a very good approach. He felt the plans did not take the topography of the land into consideration. Various suggestions were offered, such as bringing the house closer to the street, moving the carport to the lower side of the lot; or building closer to the rear property line.

Mr. Hubbard said the house was planned so there would be no large excavation. He was not in favor of a natural ramp because

it would involve excavation whereby the street would have to be retained with a bulkhead. He felt if the carport set back the full fifteen feet it would require a bridge to get to it. The matter was continued until the meeting of February 6th so that Mr. Hubbard could stake the corners of the lot, the corners of the carport and house, and could consult the ordinance regarding grades and the driveway formular, and also to have his designer give a second look to the carport treatment. The Engineer was asked to bring the contour map from the subdivision to the next meeting.

- (2) Adj. 366 Peter C. Haywood. Application for a 15 foot variance in frontyard setback to construct an approach ramp at 28 Elk Horn Way.

Max Primgaard was present representing Mr. Haywood. Mr. Leitzell explained that it was impossible to build without a variance on this particular lot. The carport will be located on top of the house. No encroachment permit will be necessary.

Commissioner Creighton moved that Adjustment 366, Peter C. Haywood, application for a 15 foot variance in frontyard setback to construct an approach ramp at 28 Elk Horn Way be granted in accordance with drawings submitted to the building department and that the variance request application; seconded by Commissioner Gue, unanimously approved.

6. Matters for consideration of the Planning Commission

A. Proposed Amendments to the Zoning Ordinance

Commissioner West suggested this be continued until Commissioner Heinecke could be present inasmuch as Commissioner Heinecke introduced the subject. Matter continued.

B. Map of proposed annexation

The Local Agency Formation Commission requested a map depicting the ultimate corporate limits of San Anselmo, and the Engineering Office has prepared such a map indicating the logical area to be within the city limits.

Commissioner West moved that the Commission recommend to the City Council that a map of proposed city limits, in accordance with a map prepared by the City Engineer, dated 1-16-67, as modified to exclude the Mt. Tamalpais Cemetary property, the Cedars School property and County Area at the end of Fifth Avenue, San Rafael, be forwarded to the Local Agency Formation Commission. Motion seconded by Commissioner Anderson, unanimously approved.

7. Correspondence

- A. Memo from A. J. Snyder, Jr., Director of Parks and Recreation re: County of Marin Ordinance #1542, regarding the dedication of recreation and park lands in subdivisions.

The Engineer stated this was a proposal in which subdivisions of 50 lots or more would be required to dedicate land for park purposes; subdivision of less than 50 lots would be required to contribute money for this purpose. As yet, it is not known which Cities have adopted this ordinance.

Commissioner Anderson said he was generally in favor of the Ordinance and didn't know how much time would be devoted to its study, but he did feel the sign ordinance was the most important item for the Planning Commission to study. The Sign Ordinance will be put on the Agenda for the February 20th meeting. Chairman Perry asked each of the Commissioners to study the proposed amendment, and it will be placed on the Agenda for February 6, 1967.

At 10:25 p.m. the Chairman declared the meeting adjourned.

*Warren R. Perry*  
WARREN R. PERRY  
PLANNING COMMISSION CHAIRMAN